

Application No. 10/057,413

Attorney Docket No.: CLAR 1017-1

REMARKS

Claims 1-44 and 49 were pending in the application prior to the outstanding Office Action. Claims 45-48 were previously cancelled. With this Amendment, claims 1-44 and 49 remain pending in this application.

Technology Background

This application deals with a system for presenting content to internet users based on the user's navigation history. The system here incorporates a software module installed on a client computer, which monitors and stores user navigation information, wherever the user goes on the internet. A second element is a message server, separate from website servers. The message server receives user navigation information, analyzes it, and sends return messages to the user, including context rules and content. The user module stores both items, and it monitors internet navigation to determine if any of the context rules (such as URL) are satisfied. When a rule is triggered, then the associated content is presented to the user, generally as an addition or supplement to the website being viewed.

Several features of the present claims deserve particular attention. Foremost is the role played by the client-based module. It can be grasped intuitively that no single website, even a portal site, can capture more than a tiny percentage of user online behavior. And without a broad view of past user behavior, predictions of future behavior are built on shaky ground. Only a client-based system can provide a wide sample of what a user actually does online.

Second is the role played by the message server. The limitation of a client-based system is that it inherently lacks mass storage capacity, as well as analytical capability. Moreover, an independent third party brings commercial as well as technical advantages to the endeavor. Not only can the message server concentrate on performing the message and analysis functions, but it stands in a position of trust among otherwise competing website operators.

Rejections under Section 102

The Examiner has rejected claims 1-5, 7-12, 14-19, 21-27, 29-34, 36-41, 43, 44 and 49 under 35 U.S.C. §102(e) as being anticipated by Koeppel et al., U.S. Patent No. 6,477,575. As shown here, however, Koeppel does not teach the invention as claimed.

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The prior art, as exemplified by Koeppel, operates differently from Applicant's invention. There, a website server presents content to a user and monitors that user's response. A client-side script permits monitoring and transmission of information about the user's actions during the display of that website, and based on that user's actions an analytical program can modify the presentation of similar content to that of other users. Once the user leaves that website, of course, the server loses sight of the user and her actions.

As previously amended, independent Claim 1 recites a "local application residing on the client." The Examiner based his rejection of that Claim on the asserted equivalence of a "local application residing on the client" and "client side scripting, applets or similar." Office Action at 3. Such equivalence should be reconsidered in light of closer scrutiny, however, based on the differences between Applicant's disclosure and the functions performed by scripts or applets.

The online encyclopedia Wikipedia defines "client-side scripting" as follows:

Client side scripting generally refers to the class of computer programs on the web that are executed *client-side*, by the user's web browser, instead of *server-side* (on the web server). This type of computer programming is an important part of the Dynamic HTML (DHTML) concept, enabling web pages to be scripted; that is, to have different and changing content depending on user input, environmental conditions (such as the time of day), or other variables.

Wikipedia, http://en.wikipedia.org/wiki/Client-side_scripting (emphasis in original).

However useful such scripts may be, they do not "reside" on the client. Rather, they accompany a web page from a server to the client, and they run under control of the user's browser. Once the user has moved on to a different website, the script or applet is gone. Thus, Koeppel can learn what the user did on a single website. Applicant can determine a user's entire internet history. It is clear which basis provides superior predictive results for choosing content for display to users.

That difference precludes rejection under Section 102, because the claim differs from the prior art. Other independent Claims 8, 15, 22, 23, 30, 37, 44 and 49 are similarly focused on a program operating on a client, not client-side scripting, to accomplish the goals set out in the specification. All other pending claims depend from allowable claims. Thus, it is respectfully requested that the rejections under Section 102 be withdrawn.

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Rejections under Section 103

The Examiner has rejected claims 6, 13, 20, 28, 35 and 42 under 35 U.S.C. §103(a) as being unpatentable over Koeppel as applied to claims 1-5 above, and further in view of Chen et al., U.S. Patent No. 6,857,024.

Based on the arguments set out above, the independent claims from which all such rejected claims depend are seen to be allowable. On that basis, the dependent claims rejected here are likewise allowable. A withdrawal of the pending rejection is therefore respectfully requested.

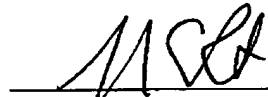
CONCLUSION

It is respectfully submitted that this application is now in condition for allowance, and such action is requested. If the Examiner believes a telephone conference would aid the prosecution of this case in any way, please call the undersigned at (650) 712-0340.

The Commissioner is hereby authorized to charge any additional fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (CLAR 1017-1).

Respectfully submitted,

Dated: 05 April 2006



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